

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

JENNIFER VANDERSTOK, *et al.*,

*Plaintiffs,*

and

BLACKHAWK MANUFACTURING GROUP,  
INC.,

*Intervenor-Plaintiff,*

Civil Action No. 4:22-cv-00691-O

v.

MERRICK GARLAND, in his official  
capacity as Attorney General of the United States;  
*et al.*,

*Defendants.*

---

**PLAINTIFFS' UNOPPOSED MOTION TO STAY DEADLINE**

Plaintiffs Jennifer VanDerStok; Michal G. Andren; Tactical Machining, Inc.; and Firearms Policy Coalition, Inc. hereby move this Court to stay the deadline for Plaintiffs to file a Rule 54 motion for costs and attorneys' fees to 14 days after the final resolution of Defendants' appeal from this Court's judgment. ECF Nos. 231, 234. Plaintiffs and Defendants have conferred and Defendants do not oppose Plaintiffs' request for a stay.

This Court signed and entered the Final Judgment in this matter on July 5, 2023. ECF No. 231. By rule, a motion for attorneys' fees pursuant to Federal Rule of Civil Procedure 54 is due 14 days after entry of Final Judgment, or July 19, 2023.<sup>1</sup>

---

<sup>1</sup> Of note, Plaintiffs need not seek to stay the deadline for Plaintiffs to move for fees pursuant to 28 U.S.C. § 2412(d)(1) given Defendants have appealed this Court's Final Judgment, and Fifth Circuit precedent dictates that the § 2412(d)(1)(B) deadline begins to run from final resolution of the case, including any appeals. *See Pierce v. Barnhart*, 440 F.3d 657, 662 (5th Cir. 2006).

Defendants' appeal, however, will directly impact Plaintiffs' motion for attorneys' fees and this Court's consideration of that motion. Defendants' appeal can not only impact the success of Plaintiffs' motion, but will also impact the attorneys' fees that Plaintiffs' counsel have incurred pursuant to this litigation. Importantly, in accordance with Federal Rule of Civil Procedure 54(d)(2)(B), this Court has the power to modify the deadline for filing a motion for costs.

Rather than expend the Court's time and resources on multiple piecemeal fees motions and deadlines, Plaintiffs respectfully request the Court stay the Rule 54 deadline in favor of judicial efficiency.

DATED this 14th day of July 2023.

Respectfully submitted,

/s/ R. Brent Cooper

R. Brent Cooper (TX Bar No. 04783250)  
Benjamin D. Passey (TX Bar No. 24125681)  
COOPER & SCULLY, P.C.  
900 Jackson Street, Suite 100  
Dallas, Texas 75202  
Telephone: (214) 712-9500  
Telecopy: (214) 712-9540  
brent.cooper@cooperscully.com  
ben.passey@cooperscully.com

Cody J. Wisniewski\* (CO Bar No. 50415)  
FIREARMS POLICY COALITION  
5550 Painted Mirage Road, Suite 320  
Las Vegas, NV 89149  
Telephone: (916) 378-5785  
Telecopy: (916) 476-2392  
cwi@fpchq.org

Brian A. Abbas\* (AZ Bar No. 013866)  
MOUNTAIN STATES LEGAL FOUNDATION  
2596 S. Lewis Way  
Lakewood, CO 80227  
Telephone: (303) 292-2021

Telecopy: (877) 349-7074  
BAbbas@mslegal.org

*\*Admitted pro hac vice*

*Attorneys for Plaintiffs*

**CERTIFICATE OF CONFERENCE**

I hereby certify that, on July 14, 2023, I conferred with Defendants' counsel, via email, and Defendants' position is reflected in this Motion.

I hereby certify that, on July 14, 2023, I conferred with Intervenor-Plaintiff's counsel, via email, and Intervenor-Plaintiff's position is reflected in this Motion.

/s/ Cody J. Wisniewski

**CERTIFICATE OF SERVICE**

I hereby certify that, on July 14, 2023, a true and correct copy of the foregoing document was served via the Court's CM/ECF system to all counsel of record.

/s/ R. Brent Cooper